

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: September 13, 1946. The Grand Union Co., New York, N. Y., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for reworking under the supervision of the Federal Security Agency.

11578. Adulteration of butter. U. S. v. 4 Cases * * * (and 1 other seizure action). (F. D. C. Nos. 21051, 21070. Sample Nos. 35778-H, 35781-H, 53042-H.)

LIBELS FILED: August 8 and 22, 1946, Northern District of Ohio and Eastern District of Illinois.

ALLEGED SHIPMENT: On or about June 28 and July 22, 1946, by Sugar Creek Creamery Co., from St. Louis, Mo., and Indianapolis, Ind.

PRODUCT: Butter. 4 64-pound cases at Cleveland, Ohio, and 40 66-pound cartons at East St. Louis, Ill.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: August 16 and September 17, 1946. The Telling-Belle Vernon Co., claimant for the Cleveland lot, and the Sugar Creek Creamery Co., claimant for the East St. Louis lot, having admitted the allegations of the respective libels, judgments of condemnation were entered. The product was ordered released under bond to be reworked so that it would comply with the law, under the supervision of the Food and Drug Administration.

11579. Adulteration of butter. U. S. v. 25 68-pound Cubes * * *. (F. D. C. No. 21076. Sample No. 46940-H.)

LIBEL FILED: August 21, 1946, Northern District of California.

ALLEGED SHIPMENT: On or about August 9, 1946, by the Gem Creamery Co., Emmett, Idaho.

PRODUCT: 25 68-pound cubes of butter at San Francisco, Calif.

NATURE OF CHARGE: Adulteration, Section 402 (b) (2), a product containing less than 80 percent by weight of milk fat had been substituted for butter.

DISPOSITION: October 10, 1946. The Wilsey, Bennett Co., San Francisco, Calif., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be reworked under the supervision of the Food and Drug Administration.

CHEESE

11580. Adulteration of Cheddar cheese. U. S. v. Leo J. Taylor (Opole Cheese Factory). Plea of guilty. Fine, \$100. (F. D. C. No. 20954. Sample No. 63454-H.)

INFORMATION FILED: February 4, 1947, District of Minnesota, against Leo J. Taylor, trading as Opole Cheese Factory, Opole, Minn.

ALLEGED SHIPMENT: On or about July 11, 1946, from the State of Minnesota into the State of New Jersey.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insects, fly and insect fragments, rodent hair fragments, cow hair, feather fragments, manure fragments, and nondescript dirt.

DISPOSITION: February 24, 1947. A plea of guilty having been entered, the court imposed a fine of \$100.

11581. Adulteration of Cheddar cheese. U. S. v. Merchants Creamery Co. (Stanford Creamery Co.). Plea of guilty. Fines, \$250 and costs on count 1 and \$1,000 on count 2; latter fine suspended. (F. D. C. No. 20969. Sample Nos. 13346-H, 52538-H.)

INFORMATION FILED: November 11, 1946, Eastern District of Kentucky, against the Merchants Creamery Co., trading as the Stanford Creamery Co., Stanford, Ky.

ALLEGED SHIPMENT: On or about April 30 and May 7, 1946, from the State of Kentucky into the State of Ohio.

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, feather barbules, hairs resembling rodent hairs, and dirt; and, Section 402 (a) (4), it had been prepared under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: April 28, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$250 and costs on count 1 and \$1,000 on count 2. The \$1,000 fine was suspended, conditioned that the defendant corporation's plant be made sanitary immediately, and that the defendant cooperate with the Food and Drug Administration to avoid violations of the law for a period of 12 months.

11582. Adulteration of Cheddar cheese. U. S. v. Mountain States Creamery Co. Plea of guilty. Fine, \$100. (F. D. C. No. 21536. Sample Nos. 43852-H, 43980-H.)

INFORMATION FILED: January 16, 1947, District of Utah, against the Mountain States Creamery Co., a corporation, Salt Lake City and Myton, Utah.

ALLEGED SHIPMENT: On or about June 6 and July 31, 1946, from the State of Utah into the State of California.

LABEL, IN PART: (Portion) "Whole Milk Cheddar Cheese, Pasteurized."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of insect parts, rodent hair, feather barbules, an insect hair resembling hair of the dermestid larva, and an insect fragment; and, Section 402 (a) (4), it had been prepared, packed, and held under insanitary conditions whereby it may have become contaminated with filth.

DISPOSITION: March 14, 1947. A plea of guilty having been entered on behalf of the defendant, the court imposed a fine of \$100.

11583. Adulteration and misbranding of cottage cheese. U. S. v. John H. Costello. Plea of guilty. Fine, \$400 on 2 counts. Sentence suspended on third count. (F. D. C. No. 20955. Sample Nos. 40361-H, 40367-H.)

INFORMATION FILED: October 25, 1946, Eastern District of Missouri, against John H. Costello, trading as John H. Costello, St. Louis, Mo.

ALLEGED SHIPMENT: On or about June 25 and July 8 and 23, 1946, from the State of Missouri into the State of Illinois.

LABEL, IN PART: "Armour Cloverbloom Creamed Cottage Cheese One Pound Net Weight Armour Creameries Distributors," or "1 lb. Net Weight Costello's Creamed Cottage Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (b) (1) and (2), (portion of product) a valuable constituent, milk fat, had been in part omitted; and a product containing less than 4 percent by weight of milk fat and more than 80 percent of moisture had been substituted for creamed cottage cheese, a product required by the regulations to contain not less than 4 percent by weight of milk fat and not more than 80 percent of moisture.

Misbranding, Section 403 (e) (2), the remainder of the product failed to bear a label containing an accurate statement of the quantity of the contents, since the cartons contained less than the declared weight of one pound net.

DISPOSITION: December 30, 1946. The defendant having entered a plea of guilty, the court imposed a fine of \$200 on each of 2 counts and suspended sentence on the third count.

11584. Adulteration of cheese. U. S. v. West Concord Butter & Cheese Association. Plea of guilty. Fine, \$250. (F. D. C. No. 20935. Sample No. 35972-H.)

INFORMATION FILED: October 17, 1946, District of Minnesota, against the West Concord Butter & Cheese Association, a corporation, West Concord, Minn.

ALLEGED SHIPMENT: On or about April 4, 1946, from the State of Minnesota into the State of Oklahoma.

LABEL, IN PART: "Minnesota Skim Milk Cheese."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the article consisted in part of a filthy substance by reason of the presence of rodent hair fragments, insect fragments, feather fragments, cow hairs, and manure particles; and,